

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**MARICHEL PIERCE CLAYBURN,**

Petitioner,

v.

Civil Action No. **3:18CV555**

**HAROLD W. CLARKE,**

Respondent.

**MEMORANDUM OPINION**

Petitioner, a Virginia state prisoner proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. By Memorandum Order entered on September 21, 2018, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to pay the \$5.00 filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. The Court warned Petitioner it would dismiss the action if Petitioner did not pay the filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. More than eleven (11) days have elapsed since the entry of the September 21, 2018 Memorandum Order and Petitioner has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: **OCT 25 2018**  
Richmond, Virginia

  
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M. Hannah Lauck  
United States District Judge